

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KENNETH DWAYNE HARTH, SR.

PLAINTIFF

v.

No. 4:20CV47-RP

MISSISSIPPI DEPARTMENT OF CORRECTIONS

DEFENDANTS

**ORDER DENYING PLAINTIFF’S MOTION [17] FOR
A TRANSCRIPT OF THE *SPEARS* HEARING**

This matter comes before the court on the motion by the *pro se* prisoner plaintiff for a transcript (at government expense) of his hearing held under *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985). Under 28 U.S.C. § 1915(c), which governs *in forma pauperis* proceeding such as this one, “the court may direct payment by the United States of the expenses of . . . preparing a transcript of proceedings before a United States magistrate judge . . . if such transcript is required by the district court.” In this case, the district court does not require the *Spears* hearing recording to be transcribed, nor is there any upcoming proceeding in this court in which the plaintiff may make use of the hearing transcript. Therefore, the plaintiff’s request [17] for a transcript of the *Spears* hearing at government expense is **DENIED**.

SO ORDERED, this, the 23rd day of March, 2021.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE